

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendrayner
Marshall Johnson
Ken Nickolai
Thomas Pugh
Phyllis A. Reha

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Petition by Gardonville
Cooperative Telephone Association for a
Suspension or Modification of Local Number
Portability Obligations Pursuant to 47 U.S.C.
§251(f)(2)

ISSUE DATE: October 7, 2004

DOCKET NO. P-571/EM-04-664

ORDER ESTABLISHING NEW DEADLINE
FOR IMPLEMENTING LOCAL NUMBER
PORTABILITY

PROCEDURAL HISTORY

On May 3, 2004, Gardonville Cooperative Telephone Association (GCTA) filed a petition to suspend its local number portability (LNP) obligation to requesting wireless carriers.¹

¹ The Telecommunications Act of 1996 requires all local exchange carriers (LECs) to port telephone numbers or allow subscribers to retain existing telecommunications numbers at the same location when switching from one telecommunications carrier to another. Starting in 1996, LECs have deployed local number portability based on schedules and procedures directed by the Federal Communications Commission (FCC). See *In the Matter of Telephone Number Portability*, First Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 95-116, 11 FCC Rcd 8352 (First Report and Order).

On November 10, 2003, the FCC issued an Order requiring LECs to permit wireline to wireless porting. See *In the Matter of Telephone Number Portability*, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, CC Docket No. 95-116, FCC 03-284 (the Intermodal Number Portability Order). The FCC ordered all LECs in the 100 most populous Metropolitan Statistical Areas (MSAs) to implement wireless LNP by November 24, 2003. The FCC also ordered that all carriers outside the top 100 MSAs are to implement wireless local number portability (LNP) by May 24, 2004 for any bona fide request received on or before November 24, 2004. For bona fide requests received after said date, the LECs will have up to six months to implement wireless LNP.

On May 21, the Commission exercised its authority² to suspend or modify local exchange carriers' obligations to implement wireless LPN and granted GCTA a six-month interim suspension., i.e., until November 21, 2004.

Similarly, on May 10, 2004, the Minnesota Independent Coalition (MIC) filed a petition for LNP suspension, listing GCTA among the more than 60 telephone company participants in its petition. The matter was assigned to Docket No. P-et al./M-04-707 (the MIC petition).

On July 8, 2004, the Commission granted MIC's petition and suspended the LPN deadline for all the telephone companies listed by MIC, including GCTA, until July 30, 2004.

On August 2, 2004, Sprint Corporation, on behalf of its Wireless Division, Sprint Spectrum L.P., d/b/a Sprint PCS (Sprint), filed comments opposing any extension of the LPN deadline suspension for GCTA beyond the six month extension (to November 21, 2004) granted by the Commission in its May 21 Order in this docket.

On August 2, 2004, the Minnesota Department of Commerce (the Department) filed comments noting that GCTA is now a party to two separate conflicting Orders regarding suspension of LPN: the first, the current docket, issued on May 21, 2004 granting a temporary suspension for six months and the second, issued July 8, 2004 in Docket No. P-et al./M-04-707 (the MIC petition), granting GCTA and other MIC members a suspension until July 30, 2004.

On August 2, 2004, GCTA filed comments acknowledging the confusion caused by being included in MIC's petition and requested that the Commission base its decision for GCTA on its own petition in the current docket (P-527/EM-04-664) and that it be given until November 1, 2004 to implement LPN.

On August 16, 2004, GCTA filed reply comments stating that it had established two-way trunk capability with Qwest and that it will be able to properly dip and route any LNP traffic as requested by Sprint and will fully comply with the FCC's orders and rules on LNP, including routing and rating, as of November 1, 2004. The Department and Sprint filed reply comments on the same day agreeing to Gardonville's proposed November 1, 2004 LNP implementation date.

The Commission met on September 9, 2004 to consider this matter.

FINDINGS AND CONCLUSIONS

GCTA has requested separate treatment from the other MIC members on the grounds that it has its own specific LNP issues apart from MIC's. In addition, it stated that because it obtained a six month extension in the Commission's May 21, 2004 Order in this matter, it was not as far along in deploying LNP as other MIC members whose extensions were only to August 1, 2004.

² 47 U.S.C. § 251(f)(2).

GCTA also stated, however, that the Commission's July 8, 2004 Order regarding MIC's petition in Docket No. P-et al./M-04-707 had resolved many of GCTA's concerns regarding the method of transport and cost of transporting intermodal LNP traffic. Further, GCTA stated, it has found options that reduce its LNP administrative costs. In addition, GCTA reported, it has worked with Qwest to change the one-way Qwest trunks terminating to GCTA into two-way trunks and made other efforts to begin LNP implementation.

GCTA estimated that, based on these developments, it would take another 90 days to fully implement LPN, well within the time remaining on its interim suspension. Consequently, GCTA requested that the Commission base its decision for GCTA on GCTA's own petition and give GCTA until November 1, 2004 to implement LNP. Both the Department and Sprint have agreed to that implementation date and no party has opposed it.

In these circumstances, the Commission finds that it is reasonable to continue to treat GCTA's petition independently from the MIC petition and to advance the deadline for GCTA to complete implementation of LNP from November 21, 2004 to November 1, 2004.

ORDER

1. The six-month suspension of GCTA's obligation to provide local number portability (LNP) to requesting wireless carriers granted to GCTA in the Commission's May 21, 2004 Order in this matter is hereby reduced and set to expire on November 1, 2004. GCTA shall have until November 1, 2004 to implement LNP.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)

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